

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CHERYL KING**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 1:05CV675 LTS-JMW**

**ALLSTATE INDEMNITY COMPANY and  
JAMES W. SMITH d/b/a JWS, INC.**

**DEFENDANTS**

**ORDER OF REMAND**

In accordance with the opinion I have this day signed, it is

**ORDERED**

That the plaintiff's motion to remand [3] is hereby **GRANTED**;

That the plaintiff's demand for an award of costs is hereby **DENIED**;

That the motion of Defendant James W. Smith for summary judgment [17] is **DENIED WITHOUT PREJUDICE**;

That the motion for leave to file a supplemental memorandum in support of the plaintiff's motion to remand [26] is hereby **DENIED AS MOOT**; and

That this action is hereby remanded to the Circuit Court of Hancock County.

That the clerk of court shall take the steps necessary to return this case to the court from which it was removed.

**SO ORDERED** this 24<sup>th</sup> day of April, 2006.

s/ *L. T. Senter, Jr.*

L. T. Senter, Jr.  
Senior Judge